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## Initiative Petition Information Sheet

Title of Petition Initiative Petition for a Law Relative to Updating the Bottle Bill

Petition Number 11-22

### Proponents' Contact

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### Proponents' Attorney

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### Optional:

Will the proponents propose a summary by the Monday, 5 days after the petition-filing deadline?

☒ Yes

No

Will the proponents submit a memo of law by the Friday 9 days after the petition-filing deadline?

Yes

☒ No

Please note that the above information will be made available to the public and particularly to possible opponents of certification. The Proponent and Proponents' Attorney (if any) will receive copies of any materials submitted by the public regarding certification.

AGO Staff Person Receiving Petition

Date

PS

8/3/2011

## **Initiative Petition for a Law Relative to Updating the Bottle Bill**

Be it enacted by the People, and by their authority:

SECTION 1. Section 321 of chapter 94 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the definition of Beverage and replacing it with the following definition:

“Beverage”, soda water or similar carbonated soft drinks; beer and other malt beverages; noncarbonated beverages including mineral water, flavored and unflavored water, vitamin water, and other water beverages, tea, sports drinks, isotonic drinks; and all other non-alcoholic carbonated and noncarbonated drinks in liquid form intended for human consumption, except milk and beverages that are primarily derived from dairy products, infant formula, and FDA-approved medicines. This definition shall not include alcoholic beverages other than beer and malt beverages as defined in chapter 138.

SECTION 2. Paragraph 3 of said section 321 of said chapter 94, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:

This definition shall not include containers made of paper-based biodegradable material and aseptic multi-material packaging.

SECTION 3. Said section 321 of said chapter 94, as so appearing, is hereby further amended by inserting after the definition of Plastic bottle the following definition:

“Redemption center”, any business whose primary purpose is the redemption of beverage containers and is not ancillary to any other business.

SECTION 4. Said section 321 of said chapter 94, as so appearing, is hereby further amended by inserting after the definition of Reusable beverage container the following definition:

“Small dealer”, any person or business, including any operator of a vending machine, who engages in the sale of beverages in beverage containers to consumers in the commonwealth, whose operating premises are less than 4000 square feet.

SECTION 5. Section 323 of said chapter 94, as so appearing, is hereby amended by inserting before the first sentence of paragraph (e) the following sentence:

The Executive Office of Energy and Environmental Affairs shall promulgate rules and regulations for the licensure of redemption centers, and may set fees for the licensing of such redemption centers.

SECTION 6. Paragraph (c) of said section 323 of said chapter 94 of the General Laws, as so appearing, is hereby amended by striking out the words “one cent” and inserting in place thereof the words “three and one quarter cents” and by adding the following sentence:

The handling fee shall be reviewed at least every 24 months by the Secretary of the Executive Office of Energy and Environmental Affairs, who shall make any appropriate adjustments to reflect increases in costs incurred by redemption facilities.

SECTION 7. Paragraph (d) of said section 323 of said chapter 94, as so appearing, is hereby

amended by striking out the words “one cent” and inserting in place thereof the words “three and one quarter cents” and by adding the following sentence:

The handling fee shall be reviewed at least every 24 months by the Secretary of the Executive Office of Energy and Environmental Affairs, who shall make any appropriate adjustments to reflect increases in costs incurred by redemption facilities.

SECTION 8. Said section 323 of said chapter 94, as so appearing, is hereby further amended by inserting after the word “civil,” in paragraph i, line 73, the words “or administrative.”

SECTION 9. Said chapter 94 is hereby further amended by inserting after section 323E the following section:

Section 323F. (a) There shall be established on the books of the Commonwealth a separate fund to be known as the Clean Environment Fund. Amounts to be deposited in said Fund shall be used, subject to appropriation, solely for recycling, litter reduction and related environmental programs as determined by the Secretary of the Executive Office of Energy and Environmental Affairs.

SECTION 10: Notwithstanding any general or special law to the contrary, the Secretary of the Executive Office of Energy and Environmental Affairs shall, on or before April 15, 2013, promulgate regulations providing small dealers as defined in section 321 of chapter 94 with the ability to seek exemptions from accepting empty deposit containers. Said regulations shall consider at least the health and safety of the public, the convenience for the public, including standards governing distribution of centers by population or by distance or both, the size and storage capacity of the dealer(s) to be served by the redemption center and the size and storage capacity of the redemption center. The order approving a local redemption center license must state the dealers to be served and the kinds, sizes and brand names of empty beverage containers that the center accepts.

SECTION 11. Section 327 of said chapter 94 of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following paragraphs:

The department of environmental protection may enforce the provisions of section 321; paragraphs (a) through (f), inclusive, of section 323; paragraph (i) of section 323; section 323A; section 323F; section 324 and section 325. Any bottler, distributor, redemption center, or dealer who violates any of the foregoing provisions, or any regulations promulgated thereof by the department of environmental protection, shall be subject to an administrative penalty for each violation of not more than \$1,000.

The department of revenue may enforce the provisions of paragraphs (g) and (h) of section 323 and sections 323B to 323E, inclusive. Any bottler, distributor, redemption center, or dealer who violates any of the foregoing provisions shall be subject to an administrative penalty for each violation of not more than \$1,000.

SECTION 12. Said section 327 of said chapter 94 of the General Laws, as so appearing, is hereby further amended by inserting after the word “civil,” in line 14, the words “or administrative.”

SECTION 13. This act shall take effect on January 15, 2013.

## **Original Signers**

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